

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:19-CV-00312-GCM**

**WEST INVESTMENT FOREIGN
SHARES, LLC,
FIDUS INVESTMENT
CORPORATION,**

Plaintiffs,

v.

**GROVE 1005, LLC,
JOHN SHAW,
DANIEL A. MCCOLLUM,
MCCOLLUM BUSINESS, LLC,**

Defendants.

ORDER

THIS MATTER comes before the Court upon Plaintiff's Motion for Early Discovery [ECF Doc. 42], filed pursuant to Rule 26(d)(1) of the Federal Rules of Civil Procedure and Local Rule 16.1(f).

Having fully considered the Motion, the Court finds it is for good cause. The discovery requested relates to the cause of action for fraudulent conveyance in the Second Amended Complaint and is narrowly tailored to support such cause. The Court concludes that the Motion should be GRANTED.

IT IS THEREFORE ORDERED that:

- i. Plaintiff's Motion for Early Discovery is GRANTED;
- ii. Plaintiff is permitted to serve the limited discovery requests attached as Exhibit B to this Motion upon Defendants McCollum and Shaw (modified as necessary to address the fact that John Shaw is now a named Defendant in this matter);

- iii. Defendants McCollum and Shaw shall respond to those requests within twenty (20) days after service;
- iv. Plaintiff is permitted to take the depositions of Defendants McCollum and Shaw related solely to the Grove Road Transfer, the Grove Road Sale, and the Grove Road Loan (without prejudice to Plaintiff's right to depose those witnesses on other issues in the case at a later time).

SO ORDERED.

Signed: September 16, 2020



Graham C. Mullen
United States District Judge

